

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

[R08-71]

PREAMBLE

1. Sections Affected

R3-2-101
R3-2-601
R3-2-606
R3-2-612
R3-2-614
R3-2-616
R3-2-617
R3-2-618
R3-2-620
R3-2-621

Rulemaking Action

Amend
Amend
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Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 3-107(A)(1)

Implementing statute: A.R.S. §§ 3-1203 and 3-1204

3. The effective date of the rules:

May 3, 2008

4. A list of all previous notices appearing in the *Register* addressing the final rules:

Notice of Rulemaking Docket Opening: 13 A.A.R. 4043, November 16, 2007

Notice of Proposed Rulemaking: 13 A.A.R. 3958, November 16, 2007

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Carlos Ramírez, Rules Analyst

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6. An explanation of the rule, including the agency's reasons for initiating the rules:

The Department of Agriculture is amending its rules relating to health requirements governing admission of animals into the state following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference, correct or amend references to diseases or other rules, and otherwise bring the rules into compliance with current APA standards. The Department will also amend R3-2-606(A)(4)(a)(i) to require that the official eartag for dairy cattle also include information that identifies the herd from which the cattle was born.

Notices of Final Rulemaking

The Department will amend R3-2-612(C)(6) to remove brucellosis quarantine exemptions for native ranch cattle imported from an adjacent Class A State, because no state bordering Arizona is Class A. Finally, the Department will amend R3-2-617 to require a health certificate or Form 9-3 from the National Poultry Improvement Program before allowing poultry animals entry into the state. Although this is a substantive change from the existing rule, the rule-making is intended to codify an existing voluntary inspection program in which many poultry importers are already participating.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The rulemaking will substantively affect both the Department of Agriculture and businesses and individuals who import poultry. The rulemaking will create minimal costs for the Department measured in additional employee hours spent enforcing the additional requirements and processing forms. A cost will be created for poultry importers who will have to submit either a health certificate or Form 9-3 to indicate poultry shipments are free of diseases or other detrimental conditions. However, both entities are prepared to meet these costs as a result of a voluntary participation program instituted by the Department. Both parties will also benefit by securing economic interests and ensuring the well-being of the state's poultry resources and poultry consumers. Dairy cattle importers will also be required to produce information on the cattle's herd of birth before importation. However, the Department does not believe the rule-making will significantly affect businesses or state revenues. Amendments to bring the rules into compliance with APA requirements will not result in any significant costs. The Department has determined there are no alternative means to achieve the objectives of the rulemaking and holds that the benefits of the rulemaking outweigh any costs.

10. A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):

There is no substantial difference between the proposed rules and the final rules as they appear in this notice.

11. A summary of the comments made regarding the rule and the agency response to them:

The Department has not received any comments regarding this rulemaking.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

The current incorporated reference in R3-2-612(D) to 9 CFR 92.424 through 92.427, January 1, 1996, edition, and amended at 60 FR 13898, 13900, March 15, 1995, will be updated to instead refer to the January 1, 2007, edition. As a result, the reference to the incorporated materials in subsection (H)(1) will be updated as well. Subsection (I)(2) also refers to the January 1, 1996, edition of 9 CFR 73, Scabies in Cattle, which will also be amended to the 2007 edition.

The rule R3-2-614(A)(2) incorporates 9 CFR 79, dated August 21, 2001. This will also be amended to incorporate the January 1, 2007, edition.

R3-2-616 makes reference to incorporated materials in R3-2-408. Although the incorporated reference is accurate, the rule will be amended to refer to the rule that actually contains the reference. All incorporated by reference materials will be made available through the Department of Agriculture at its offices at 1688 W. Adams St., Phoenix, AZ 85007.

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 3. AGRICULTURE

**CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION**

ARTICLE 1. GENERAL PROVISIONS

Section
R3-2-101. Definitions

ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS

Section

- R3-2-601. Definitions
- R3-2-606. ~~Official~~ Health Certificate
- R3-2-612. Importation of Cattle and Bison
- R3-2-614. Sheep and Goats
- R3-2-616. Cats and Dogs
- R3-2-617. Poultry
- R3-2-618. Psittacine Birds
- R3-2-620. Zoo Animals
- R3-2-621. Non-restricted Live Wildlife Cervidae

ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS

R3-2-101. Definitions

In addition to the definitions provided in A.R.S. §§ 3-1201, 3-1451, and 3-1771, the following terms apply to this Chapter:

- 1- "Animal" means livestock, bison, dogs, cats, rabbits, rodents, game animals, furbearing and wildlife mammals, and poultry and other birds.
- 2- "APHIS" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
"Breeding swine" means any member of the family Suidae having the potential to procreate, and includes gilts, sows, and boars.
"Cervidae" means the family of cervids that includes, but is not limited to, deer, moose, elk, reindeer, and caribou.
"Dairy cattle" means cattle of dairy breeds or dairy types used for the production of milk or milk products for human consumption.
"Designated feedlot" means a confined drylot area under state quarantine that is approved and licensed by the State Veterinarian, contains a restricted feeding pen, and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.
"Health certificate" means a legible record that is issued by a VS animal health official, state animal health official, or accredited veterinarian at the point of origin of a shipment of animals, conforms to the requirements of R3-2-606, and is written on a form approved by the chief animal health official of the state of origin or an equivalent form of the USDA attesting that the animal described has been inspected and found to meet the Arizona entry requirements.
"Permit number" or "permit" means a serialized number issued by the State Veterinarian's Office that conforms to the requirements of R3-2-607 and allows the regulated movement of certain animals into Arizona.
- 3- "USDA" means the United States Department of Agriculture.
- 4- "VS" means the Veterinary Services branch of APHIS.

R3-2-601. Definitions

The following terms apply to this Article:

- "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department.
- ~~"Breeding swine" means any swine having the potential to breed, and includes gilts, sows, and boars.~~
- ~~"Cervidae" means the family of cervids that includes deer, moose, elk, reindeer, and caribou.~~
- ~~"Dairy cattle" means cattle of dairy breeds or dairy types used for the production of milk or milk products for human consumption.~~
- ~~"Designated feedlot" means a confined drylot area under state quarantine that is approved and licensed by the State Veterinarian, contains a restricted feeding pen, and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.~~
- ~~"Health certificate" means a legible record that is issued by a VS animal health official, state animal health official, or accredited veterinarian at the point of origin of a shipment of animals, conforms to the requirements of R3-2-606, and is written on a form approved by the chief animal health official of the state of origin or an equivalent form of the USDA attesting that the animal described has been inspected and found to meet the Arizona entry requirements.~~
- "Certified copy" means a copy of an official health certificate that includes an additional original signature from the authorizing veterinarian.
- "Macaque" means any monkey of the genus Macaca in the family Ceropithecidae.
- "Official eartag" means an identification tag providing unique identification for individual animals. An official eartag that contains or displays an AIN with an 840 prefix must bear the US shield. The design, size, shape, color, and other

Notices of Final Rulemaking

characteristics of the official eartag will depend on the needs of the users, subject to the approval of the USDA. The official eartag must be tamper-resistant and have a high retention rate in the animals. Official eartags must adhere to one of the following number systems:

National Uniform Eartagging System

Animal identification number (AIN).

Premises-based number system. The premises-based number system combines an official premises identification number (PIN) with a producer's livestock production numbering system to provide a unique identification number. The PIN and the production number must both appear on the official tag, or

Any other numbering system approved by the Administrator of APHIS for the identification of animals in commerce.

~~“Permit number” or “permit” means a serialized number issued by the State Veterinarian’s Office that conforms to the requirements of R3-2-607 and allows the regulated movement of certain animals into Arizona.~~

~~“Specifically approved stockyard” means a stockyard specifically approved by VS and the State Veterinarian for receiving from other states cattle and bison that are not brucellosis-reactor, brucellosis-suspect, or brucellosis-exposed.~~

R3-2-606. Official Health Certificate

- A. A health certificate is valid for not more than 30 days after the date of issue, except where otherwise noted in this Article, and shall contain:
1. The name and address of the shipper and receiver;
 2. The origin of the animal;
 3. The animal's final destination;
 4. Cattle.
 - a. The number of animals covered by the health certificate, and an accurate description and, except for steers, spayed heifers, or “F” branded heifers consigned to a designated feedlot identified by brand, one of the following individual identifications:
 - i. ~~The USDA metal official eartag number that, for dairy cattle, identifies the herd of birth, or~~
 - ii. ~~The registration tattoo number, or and the registration brand of a breed association recognized by VS.~~
 - iii. ~~The registration brand of a breed association recognized by VS;~~
 - b. The health status of the animals, including date and result of an inspection, dipping, test, or vaccination required by Arizona; and
 - c. The method of transportation;
 5. Swine.
 - a. Evidence that the swine have been inspected by the veterinarian issuing the health certificate within 10 days before the shipment,
 - b. A statement that:
 - i. The swine have never been fed garbage, and
 - ii. The swine have not been vaccinated for pseudorabies;
 - c. Except for feeder swine consigned to a restricted swine feedlot:
 - i. A list of the individual permanent identification for each exhibition swine, using an earmatch that conforms to the universal swine-earmatch system or for each commercial swine, using other individual identification, and the premises identification using a tattoo or producer-furnished tamper-proof eartag that conforms to the USDA National Premises Identification System;
 - ii. The validated brucellosis-free herd number and last test date for swine originating from a validated brucellosis-free herd;
 - iii. The pseudorabies status of the state of origin; and
 - iv. The pseudorabies qualified negative herd number, if applicable;
 - d. Except for feeder swine consigned to a restricted swine feedlot, swine moving directly to an exhibition, and swine from a farm of origin in a state recognized by APHIS as a pseudorabies Stage V state, a statement that the swine shall be quarantined on arrival at destination and kept separate and apart from all other swine until tested negative for pseudorabies no sooner than 15 days nor later than 30 days after entry into Arizona; and
 - e. Feeder swine consigned to a restricted swine feedlot shall be identified by premises of origin using a tattoo or producer-furnished tamper-proof eartag that conforms to the USDA National Premises Identification System;
 6. Sheep and goats.
 - a. Individual identification prescribed in R3-2-614;
 - b. A statement that:
 - i. The sheep or goats are not infected with bluetongue, or exposed to scrapie, and do not originate from a scrapie-infected or source flock;

Notices of Final Rulemaking

- ii. Breeding rams have been individually examined and are free of gross lesions of ram epididymitis; and
 - c. A statement that the sheep or goat test negative for *Brucella ovis* if a test is required by R3-2-614(B); and
7. Equine.
- a. An accurate identification for each equine covered by the health certificate including age, sex, breed, color, name, brand, tattoo, scars, and distinctive markings; and
 - b. A statement that the equine has a negative test for EIA, as required in R3-2-615, including:
 - i. The date and results of the test;
 - ii. The name of the testing laboratory; and
 - iii. The laboratory accession number.
- B. Additions, deletions, and unauthorized or uncertified changes inserted or applied to a health certificate renders the certificate void. Uncertified photocopies of health certificates are invalid.
- C. The veterinarian issuing a health certificate shall certify that the animals shown on the health certificate are free from evidence of any infectious, contagious, or communicable disease or known exposure.
- D. An accredited veterinarian shall inspect animals for entry into the state.
- E. The Director may limit the period for which a health certificate is valid to less than 30 days if advised by the State Veterinarian of the occurrence of a disease that constitutes a threat to the livestock industry.

R3-2-612. Importation of Cattle and Bison

- A. The owner of cattle and bison entering Arizona or the owner's agent shall comply with the requirements in R3-2-602 through R3-2-611 and the following conditions:
- 1. Pay the expenses incurred to quarantine, test, and retest the imported cattle or bison or return them to the state of origin.
 - 2. For imported beef breeding cattle, breeding bison, and dairy cattle, ensure that an accredited veterinarian applies a ~~USDA metal~~ an official eartag to each animal.
- B. Arizona shall not accept:
- 1. Cattle or bison from brucellosis infected, exposed, or quarantined herds regardless of their vaccination or test status, or both, except:
 - a. Steers and spayed females, and
 - b. Animals shipped directly for immediate slaughter to an official state or federal slaughter establishment;
 - 2. Cattle or bison of unknown brucellosis exposure status, unless consigned for feeding purposes to a designated feedlot; ~~or to a quarantine pen approved by the State Veterinarian at an export station approved by the USDA;~~
 - 3. Dairy cattle from a state or region within a foreign country without brucellosis status comparable to a Class-Free State, or without tuberculosis status comparable to an Accredited-Free State;
 - 4. Dairy and dairy cross steers, and dairy and dairy cross spayed heifers from Mexico;
 - 5. Beef breeding cattle or breeding bison from a state or region within a foreign country without brucellosis status comparable to a Class A State, or without tuberculosis status comparable to a Modified Accredited State.
- C. Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
- 1. The owner or owner's agent shall ensure that an official calfhooed vaccinate is tested negative for brucellosis within 30 days before entering Arizona if the official calfhooed vaccinate is:
 - a. 18 months or older,
 - b. Cutting the first set of permanent incisors, or
 - c. Parturient or postparturient.
 - 2. The owner or owner's agent shall ensure that bulls and non-vaccinated heifers test negative for brucellosis if 12 months of age or older, unless consigned for feeding purposes to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless ~~permission is granted by the State Veterinarian~~ grants permission to apply the "F" brand on upon arrival. All "F" branded cattle or bison that leave the designated feedlot shall ~~be shipped directly to: go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot or be shipped to another state with the permission of the State Veterinarian in the state of destination.~~
 - a. An official state or federal slaughter establishment for immediate slaughter.
 - b. Another designated feedlot, or
 - c. Another state if shipping is permitted by the State Veterinarian in the state of destination.
 - 3. ~~No brucellosis test is required for cattle or bison originating from a Certified Brucellosis-Free Herd if~~ If cattle or bison originate from a Certified Brucellosis-Free Herd and the herd certification number is documented on the health certificate and import permit, no brucellosis test is required.
 - 4. If native ranch cattle are from a brucellosis Class-Free State that does not have free-ranging brucellosis infected bison or wildlife, no brucellosis test is required ~~when~~ as long as:
 - a. The native ranch cattle are moved directly from the ranch of origin to an Arizona destination and the ~~USDA metal~~ official eartag numbers are listed on a health certificate; or

Notices of Final Rulemaking

- b. The native ranch cattle are from a state that has a brand inspection program approved by the State Veterinarian and the owner's brand is listed on a brand inspection certificate or health certificate.
5. Health and brand inspection certificates issued for the movement shall be forwarded to the State Veterinarian in Arizona within two weeks of issue.
6. ~~The owner or owner's agent shall ensure that beef breeding cattle or breeding bison from Class A States remain under import quarantine and isolation until tested negative for brucellosis not earlier than 45 days nor later than 120 days after entry. Dairy cattle shall be retested only if the State Veterinarian determines that there is a potential risk of the introduction of brucellosis in the state. Exceptions to this import quarantine and brucellosis testing are provided for native ranch cattle in an adjacent Class A State and for official calfhooed vaccinates less than 18 months of age if permission is granted by the State Veterinarian.~~
 - a. Shall ensure that beef breeding cattle or breeding bison from a Class A State remain under import quarantine and isolation until the cattle test negative for brucellosis. The test shall be performed no earlier than 45 days and no later than 120 days after entry.
 - b. Shall retest dairy cattle if the State Veterinarian determines there is a potential risk of the introduction of brucellosis in the state.
 - c. Is not required to quarantine or test for brucellosis official calfhooed vaccinates less than 18 months of age, if permission is granted by the State Veterinarian.
7. ~~The owner or owner's agent shall notify the State Veterinarian within seven days of moving or bison under import quarantine from the destination listed on the import permit and health certificate, unless the animals are shipped directly to an official state or federal slaughter establishment for immediate slaughter, and shall notify the State Veterinarian at the time animals under import quarantine that are not moved from the destination are retested for brucellosis.~~
 - a. Shall notify the State Veterinarian within seven days of moving cattle or bison that are under import quarantine from the destination listed on the import permit and health certificate.
 - b. Shall notify the State Veterinarian at the time animals are retested for brucellosis, if the animals are under import quarantine and are not moved from the destination listed on the import permit and health certificate.
 - c. Is not required to notify the State Veterinarian if the cattle or bison are shipped directly to an official state or federal slaughter establishment for immediate slaughter.
8. Beef breeding cattle, breeding bison, and dairy cattle meeting the criteria of subsections (C)(1) or (C)(2) and not meeting the criteria of subsection (C)(3) may be imported without a brucellosis test if moved to a specifically approved stockyard and tested before sale or movement from the stockyard. The owner or owner's agent shall not commingle these cattle or bison with other cattle or bison until these cattle or bison are tested and found to be brucellosis negative.
9. Within seven days after importation, the owner or owner's agent shall ensure that the individual ~~metal~~ official eartag identification for imported dairy cattle is the same as that listed on the health certificate and The owner or the owner's agent shall report any discrepancies between the official eartag and the health certificate to the State Veterinarian. Any dairy cattle shipped into Arizona not documented on the health certificate shall be tested for brucellosis and tuberculosis by the receiver within one week of arrival.
- D. Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from Mexico.
 1. Before entry into Arizona, beef breeding cattle, breeding bison, or dairy cattle from Mexico shall meet the requirements of 9 CFR 92.424 through 92.427, January 1, 1996 93.424 through 93.427, January 1, 2007, edition, ~~as amended at 60 FR 13898, 13900, March 15, 1995.~~ This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the ~~Office of the Secretary of State~~ Department at 1688 W. Adams St., Phoenix, AZ 85007.
 2. The owner or owner's agent shall ensure that beef breeding cattle, breeding bison, and dairy cattle from Mexico remain under import quarantine and isolation until tested negative for brucellosis. The test shall not be performed earlier than 60 days nor later than 120 days after entry into Arizona, ~~and. The test shall be performed~~ again on breeding cattle and breeding bison 30 days after calving, unless the animals were consigned to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless ~~permission is granted by the State Veterinarian~~ grants permission to apply the "F" brand on arrival. Unless neutered, all beef breeding cattle, breeding bison, and dairy cattle leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that ~~metal~~ official eartag identification records are kept on all incoming consignments and then submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all cattle and bison leaving the designated feedlot. A copy of the form shall accompany the cattle or bison to slaughter and a copy shall be submitted to the State Veterinarian.
- E. Except for the following, all female dairy cattle four months of age or older, imported into Arizona, shall be official calfhooed vaccinates, properly identified, certified, and legibly tattooed:

Notices of Final Rulemaking

1. Show cattle for exhibition,
 2. Cattle from a Certified Brucellosis-Free Herd with permission of the State Veterinarian,
 3. Cattle from a brucellosis-free state or country with permission of the State Veterinarian,
 4. Cattle consigned directly to an official state or federal slaughter establishment for immediate slaughter, and
 5. Cattle consigned for feeding purposes to a designated feedlot under import permit.
- F. When imported breeding cattle, breeding bison, or dairy cattle under import quarantine and isolation are sold at a specifically approved stockyard, the owner or owner's agent shall, at the time of the sale, identify those cattle to the new owner as being under import quarantine. If market cattle identification testing for brucellosis is conducted at the auction, the owner or owner's agent shall ensure that the cattle or bison are tested before the sale. The new owner shall segregate the cattle or bison and retest for brucellosis 45 to 120 days after the animals entered the state.
- G. Tuberculosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
1. No tuberculosis test is required for:
 - a. Beef breeding cattle, breeding bison, or dairy cattle from an accredited herd if the herd accreditation number is documented on the health certificate and import permit;
 - b. Native commercial and purebred beef breeding cattle from an Accredited-Free State if its accredited-free status is documented on the health certificate; and
 - c. Steers and spayed heifers.
 2. Unless from an accredited herd, prescribed in subsection (G)(1), the owner or owner's agent shall ensure that purebred beef breeding cattle from modified accredited states, breeding bison, dairy females, and bulls for breeding dairy cattle test negative for tuberculosis within 60 days before entry into Arizona.
- H. Tuberculosis testing requirements for cattle and bison imported into Arizona from Mexico.
1. Before entry into Arizona, cattle and bison from Mexico shall meet the requirements of 9 CFR ~~92.424 through 92.427~~ 93.424 through 93.427, incorporated by reference in subsection (D)(1).
 2. Steers and spayed heifers from states or regions in Mexico ~~that shall not enter the state if they~~ have not been determined by the State Veterinarian to have fully implemented the Control, Eradication, or Free Phase of the bovine tuberculosis eradication program of Mexico ~~shall not enter the state~~.
 3. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Control Phase of the bovine tuberculosis eradication program of Mexico shall not be imported into Arizona without ~~prior~~ permission of the State Veterinarian.
 4. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Eradication Phase of the bovine tuberculosis eradication program of Mexico may be imported into Arizona, if they have either:
 - a. Tested negative for tuberculosis in accordance with procedures equivalent to the Bovine Tuberculosis Eradication - Uniform Methods and Rules within 60 days before entry into the United States, or
 - b. Originated from a herd that is equivalent to an accredited herd in the United States and are moved directly from the herd of origin across the border as a single group and not commingled with other cattle or bison before arriving at the border.
 5. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have achieved the Free Phase of the bovine tuberculosis eradication program of Mexico may move directly into Arizona without testing or further restrictions if they are moved as a single group and not commingled with other cattle before arriving at the border.
 6. Beef breeding cattle and breeding bison from states or regions in Mexico ~~may be imported into Arizona if determined by the State Veterinarian determines to have fully implemented the Eradication or Free Phase of the bovine tuberculosis eradication program of Mexico has been fully implemented and the breeding cattle and breeding bison may be imported into Arizona if they~~ remain under import quarantine and isolation until retested negative for tuberculosis in accordance with the Bovine Tuberculosis Eradication - Uniform Methods and Rules. The test shall be performed not earlier than 60 days, ~~nor~~ but not later than 120 days after entry unless consigned to a designated feedlot for feeding purposes only. Unless neutered, all beef breeding cattle or breeding bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona, unless permission is granted by the State Veterinarian to apply the "F" brand on arrival. All beef breeding cattle or breeding bison leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that ~~meta~~ official eartag identification records are kept on all incoming consignments and submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all beef breeding cattle and breeding bison leaving the designated feedlot. A copy of the form shall accompany the cattle and bison to slaughter and a copy shall be submitted to the State Veterinarian.
- I. Bovine scabies requirements.
1. The owner or owner's agent shall ensure that no cattle or bison affected with or exposed to scabies is shipped, trailed,

Notices of Final Rulemaking

driven, or otherwise transported or moved into Arizona except cattle or bison identified and moving under permit number and seal for immediate slaughter at an official state or federal slaughter establishment.

2. The owner or owner's agent of cattle or bison from an official state or federal scabies quarantined area shall comply with the requirements of 9 CFR 73, Scabies in Cattle, January 1, 1996 2007, edition, ~~as amended at 56 FR 52463, October 21, 1991~~, before moving the cattle or bison into Arizona. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the ~~Office of the Secretary of State Department~~.
3. The State Veterinarian may require that breeding and feeding cattle and bison from known scabies infected areas and states be dipped or treated even if the animals are not known to be exposed. The State Veterinarian shall require that dairy cattle be dipped only if the animals are known to be exposed; otherwise a veterinarian's examination and certification shall be sufficient.

R3-2-614. Sheep and Goats

- A. The owner of a sheep or goat entering Arizona, or the owner's agent, shall comply with the requirements of:
 1. Article 6 and pay the expenses incurred to quarantine, test, and retest the sheep or goat; and
 2. Animal identification prescribed in 9 CFR 79; ~~66 FR 43963-44003, August 21, 2001~~, January 1, 2007, edition. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department ~~and the Office of the Secretary of State at 1688 W. Adams St., Phoenix, AZ 85007~~.
- B. A breeding ram six months of age or older shall test negative for Brucella ovis within 30 days of entry or originate from a certified brucellosis-free flock. An exhibition ram that returns to the out-of-state flock of origin within five days of the conclusion of the exhibit is exempt from the testing requirement of this subsection.

R3-2-616. Cats and Dogs

A dog or cat shall be accompanied by a health certificate that documents the animal is currently vaccinated against rabies according to the requirements of the National Association of State Public Health Veterinarians' Compendium of Animals Rabies Control, incorporated by reference in ~~R3-2-408~~ R3-2-409.

R3-2-617. Poultry

The Department has no entry requirements on poultry provided the poultry ~~are apparently appear~~ appear healthy, do not originate from a poultry quarantine area, ~~and~~ comply with all interstate requirements of APHIS, ~~and are accompanied by a health certificate or Form 9-3 from the National Poultry Improvement Program~~.

R3-2-618. Psittacine Birds

- A. The owner or the owner's agent of a psittacine bird entering Arizona shall obtain a health certificate issued by a veterinarian within 30 days of entry, certifying:
 1. The bird is not infected with ~~Chlamydia psittaci~~ the agent that causes avian chlamydiosis, and
 2. The bird was not exposed to birds known to be infected with avian chlamydiosis within the past 30 days.
- B. The health certificate shall accompany the psittacine bird at the time of entry into Arizona.

R3-2-620. Zoo Animals

- A. An owner or owner's agent may transport or move zoo animals into the state of Arizona if the animals are accompanied by an official health certificate, and consigned to a zoo or in the charge of a circus or show, ~~if importation produces no undue hazard to livestock or public health~~.
- B. The owner, or owner's agent, of an animal in a "Petting Zoo" shall have the animal tested for tuberculosis within 12 months before importation. A negative test result is required for entry into Arizona.
- C. A business that transports or exhibits zoo animals shall be licensed by the Arizona Game and Fish Department.

R3-2-621. Non-restricted Live Wildlife Cervidae

The owner of non-restricted live wildlife Cervidae entering Arizona, or the owner's agent, shall comply with the requirements in Article 6 and the following conditions:

1. Pay the expenses incurred to quarantine, test, and retest the imported non-restricted live wildlife cervids;
2. Ensure that each non-restricted live wildlife cervid is individually identified on the health certificate by ~~a USDA metal~~ an official eartag number;
3. Tuberculosis testing.
 - a. Except for non-restricted live wildlife Cervidae from a tuberculosis accredited-free herd, a tuberculosis qualified herd, or a tuberculosis monitored herd, ensure that non-restricted live wildlife Cervidae are tested negative twice for tuberculosis no less than 90 days apart with the second test conducted within 90 days before the date of entry;
 - b. Test non-restrictive live wildlife Cervidae originating from a tuberculosis qualified or monitored herd for tuberculosis once within 90 days before entry.
4. Brucellosis testing.
 - a. Certified brucellosis-free cervid herd. No testing required.
 - b. Brucellosis-monitored cervid herd. All sexually intact non-restricted live wildlife Cervidae six months of age or

Notices of Final Rulemaking

- older shall be tested negative for brucellosis within 90 days before entry.
- c. Other cervid herds. Sexually intact non-restricted live wildlife Cervidae six months of age or older shall be tested negative for brucellosis within 30 days before entry. A retest shall be conducted within 90 days after entry.

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

[R08-70]

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R3-2-606 | Amend |
| R3-2-612 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 3-107(A)(1) and 3-1205(A)
Implementing statute: A.R.S. § 3-1203(B)(1)
- 3. The effective date of the rules:**
May 3, 2008
- 4. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 13 A.A.R. 1563, May 4, 2007
Notice of Proposed Rulemaking: 13 A.A.R. 3250, September 28, 2007
- 5. The name and address of agency personnel with whom persons may communication regarding the rulemaking:**
Name: Dr. Rick Willer, State Veterinarian
Address: Department of Agriculture
Animal Services Division
1688 W. Adams St.
Phoenix, AZ 85007
Telephone: (602) 542-4293
Fax: (602) 542-4290
E-mail: rwiller@azda.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**
The rule adds a requirement that bulls imported from other states for breeding must test negative for *Tritrichomonas foetus* and not engage in breeding activities between the time of testing negative and importation into Arizona. The health certificate required for importation must state those two requirements have been met. Test samples must be collected by an accredited veterinarian and analyzed at an approved laboratory. The Department is initiating this rule at the request of cattlegrowers to reduce the spread of the disease trichomoniasis among cattle.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Bovine Trichomoniasis: Biology, Impact and Control by S. Peder Cuneo, Extension Veterinarian, University of Arizona.
The public may review a copy of this study from the person identified in item 4 above.
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable

Notices of Final Rulemaking

9. **The summary of the economic, small business, and consumer impact:**

The benefits of this rule outweigh the costs. Out-of-state sellers of breeding bulls will face increased costs in order to test their bulls for *Tritrichomonas foetus*, though they are expected to make up these increased costs through higher prices to Arizona purchasers. Nevertheless, there are substantial benefits from importing disease-free bulls: increased fertility and fetus survival rates, which translate into larger herds and increased revenues from the sale of those cattle. The increased costs of purchasing bulls and providing feed to the larger herds will be more than made up through the increased revenue from the sale of the additional cattle. So, the cost/benefit to bull sellers is roughly even, while the benefit to cattlegrowers greatly outweighs the costs. Additionally, veterinarians, laboratories, and feed sellers are each expected to increase revenue as a result of the rule. Further, while the Department of Agriculture will have increased administration and enforcement costs, those costs are minimal compared to the anticipated gains of the cattlegrowers and related industries. Finally, there are no feasible alternatives for reducing the impact on small businesses, and those impacts will not be disproportionate in relation to the impact on large businesses.

10. **A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**

Nonsubstantive grammar and content changes suggested by the Department’s Assistant Attorney General.

11. **A summary of the comments made regarding the rule and the agency response to them:**

The Department received one public comment regarding the proposed rulemaking.

Written Comment: I am a cattle rancher in Arizona. I fully support the proposed trich test rule for importing cattle into the state, with the exception that I oppose allowing any untested dairy bulls or infected dairy bulls into the state for breeding purposes. Surrounding states have trich testing mandates, and without this provision, Arizona could become a dumping ground for diseased cattle.

Agency Response: The Department appreciates the support of the comment. While it is true that other states have adopted trichomoniasis testing for dairy cows, the dairy producers of Arizona have not approached the Department seeking trichomoniasis regulations. This leads the Department to believe that trichomoniasis is not a substantial threat to dairy production at the time of this rulemaking.

12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

13. **Incorporations by reference and their location in the rules:**

Not applicable

14. **Was this rule previously made as an emergency rule?**

No

15. **The full text of the rules follows:**

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS

Section

R3-2-606. ~~Official~~ Health Certificate

R3-2-612. Importation of Cattle and Bison

ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS

R3-2-606. ~~Official~~ Health Certificate

A. A health certificate is valid for not more than 30 days after the date of issue, except where otherwise noted in this Article, and shall contain:

1. The name and address of the shipper and receiver;
2. The origin of the animal;
3. The animal’s final destination;
4. Cattle.
 - a. The number of animals covered by the health certificate, and an accurate description and, except for steers, spayed heifers, or “F” branded heifers consigned to a designated feedlot identified by brand, one of the following individual identifications:
 - i. The USDA metal eartag number,

Notices of Final Rulemaking

- ii. The registration tattoo number, or
 - iii. The registration brand of a breed association recognized by VS;
 - b. The health status of the animals, including date and result of an inspection, dipping, test, or vaccination required by Arizona; ~~and~~
 - c. The method of transportation; ~~and~~
 - d. For bulls subject to testing under R3-2-612(J), a statement that the bulls:
 - i. Tested negative for *Tritrichomonas foetus* within one month prior to shipment using a polymerase chain reaction test or three cultures collected at intervals of no less than seven days apart; and
 - ii. Have had no breeding activity during the interval between the collection of the samples and the date of shipment.
5. Swine.
- a. Evidence that the swine have been inspected by the veterinarian issuing the health certificate within 10 days before the shipment;
 - b. A statement that:
 - i. The swine have never been fed garbage, and
 - ii. The swine have not been vaccinated for pseudorabies;
 - c. Except for feeder swine consigned to a restricted swine feedlot:
 - i. A list of the individual permanent identification for each exhibition swine, using an ear notch that conforms to the universal swine-ear notch system or for each commercial swine, using other individual identification, and the premises identification using a tattoo or producer furnished tamper-proof eartag that conforms to the USDA National Premises Identification System;
 - ii. The validated brucellosis-free herd number and last test date for swine originating from a validated brucellosis-free herd;
 - iii. The pseudorabies status of the state of origin; and
 - iv. The pseudorabies qualified negative herd number, if applicable;
 - d. Except for feeder swine consigned to a restricted swine feedlot, swine moving directly to an exhibition, and swine from a farm of origin in a state recognized by APHIS as a pseudorabies Stage V state, a statement that the swine shall be quarantined on arrival at destination and kept separate and apart from all other swine until tested negative for pseudorabies no sooner than 15 days nor later than 30 days after entry into Arizona; and
 - e. Feeder swine consigned to a restricted swine feedlot shall be identified by premises of origin using a tattoo or producer-furnished tamper-proof eartag that conforms to the USDA National Premises Identification System;
6. Sheep and goats.
- a. Individual identification prescribed in R3-2-614;
 - b. A statement that:
 - i. The sheep or goats are not infected with bluetongue, or exposed to scrapie, and do not originate from a scrapie-infected or source flock;
 - ii. Breeding rams have been individually examined and are free of gross lesions of ram epididymitis; and
 - c. A statement that the sheep or goat test negative for *Brucella ovis* if a test is required by R3-2-614(B); and
7. Equine.
- a. An accurate identification for each equine covered by the health certificate including age, sex, breed, color, name, brand, tattoo, scars, and distinctive markings; and
 - b. A statement that the equine has a negative test for EIA, as required in R3-2-615, including:
 - i. The date and results of the test;
 - ii. The name of the testing laboratory; and
 - iii. The laboratory accession number.
- B.** Additions, deletions, and unauthorized or uncertified changes inserted or applied to a health certificate renders the certificate void. Uncertified photocopies of health certificates are invalid.
- C.** The veterinarian issuing a health certificate shall certify that the animals shown on the health certificate are free from evidence of any infectious, contagious, or communicable disease or known exposure.
- D.** An accredited veterinarian shall inspect animals for entry into the state.
- E.** The Director may limit the period for which a health certificate is valid to less than 30 days if advised by the State Veterinarian of the occurrence of a disease that constitutes a threat to the livestock industry.

R3-2-612. Importation of Cattle and Bison

- A.** The owner of cattle and bison entering Arizona or the owner's agent shall comply with the requirements in R3-2-602 through R3-2-611 and the following conditions:
 - 1. Pay the expenses incurred to quarantine, test, and retest the imported cattle or bison.
 - 2. For imported beef breeding cattle, breeding bison, and dairy cattle, ensure that an accredited veterinarian applies a USDA metal eartag to each animal.
- B.** Arizona shall not accept:

Notices of Final Rulemaking

1. Cattle or bison from brucellosis infected, exposed, or quarantined herds regardless of their vaccination or test status, or both, except:
 - a. Steers and spayed females, and
 - b. Animals shipped directly for immediate slaughter to an official state or federal slaughter establishment;
 2. Cattle or bison of unknown brucellosis exposure status, unless consigned for feeding purposes to a designated feedlot, or to a quarantine pen approved by the State Veterinarian at an export station approved by the USDA;
 3. Dairy cattle from a state or region within a foreign country without brucellosis status comparable to a Class-Free State, or without tuberculosis status comparable to an Accredited-Free State;
 4. Dairy and dairy cross steers, and dairy and dairy cross spayed heifers from Mexico;
 5. Beef breeding cattle or breeding bison from a state or region within a foreign country without brucellosis status comparable to a Class A State, or without tuberculosis status comparable to a Modified Accredited State.
- C. Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
1. The owner or owner's agent shall ensure that an official calfhood vaccinate is tested negative for brucellosis within 30 days before entering Arizona if the official calfhood vaccinate is:
 - a. 18 months or older,
 - b. Cutting the first set of permanent incisors, or
 - c. Parturient or postparturient.
 2. The owner or owner's agent shall ensure that bulls and non-vaccinated heifers test negative for brucellosis if 12 months of age or older, unless consigned for feeding purposes to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless permission is granted by the State Veterinarian to apply the "F" brand on arrival. All "F" branded cattle or bison that leave the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot or be shipped to another state with the permission of the State Veterinarian in the state of destination.
 3. No brucellosis test is required for cattle or bison originating from a Certified Brucellosis-Free Herd if the herd certification number is documented on the health certificate and import permit.
 4. If native ranch cattle are from a brucellosis Class-Free State that does not have free-ranging brucellosis infected bison or wildlife, no brucellosis test is required when:
 - a. The native ranch cattle are moved directly from the ranch of origin to an Arizona destination and the USDA metal eartag numbers are listed on a health certificate; or
 - b. The native ranch cattle are from a state that has a brand inspection program approved by the State Veterinarian and the owner's brand is listed on a brand inspection certificate or health certificate.
 5. Health and brand inspection certificates issued for the movement shall be forwarded to the State Veterinarian in Arizona within two weeks of issue.
 6. The owner or owner's agent shall ensure that beef breeding cattle or breeding bison from Class A States remain under import quarantine and isolation until tested negative for brucellosis not earlier than 45 days nor later than 120 days after entry. Dairy cattle shall be retested only if the State Veterinarian determines that there is a potential risk of the introduction of brucellosis in the state. Exceptions to this import quarantine and brucellosis testing are provided for native ranch cattle in an adjacent Class A State and for official calfhood vaccinates less than 18 months of age if permission is granted by the State Veterinarian.
 7. The owner or owner's agent shall notify the State Veterinarian within seven days of moving or bison under import quarantine from the destination listed on the import permit and health certificate, unless the animals are shipped directly to an official state or federal slaughter establishment for immediate slaughter, and shall notify the State Veterinarian at the time animals under import quarantine that are not moved from the destination are retested for brucellosis.
 8. Beef breeding cattle, breeding bison, and dairy cattle meeting the criteria of subsections (C)(1) or (C)(2) and not meeting the criteria of subsection (C)(3) may be imported without a brucellosis test if moved to a specifically approved stockyard and tested before sale or movement from the stockyard. The owner or owner's agent shall not commingle these cattle or bison with other cattle or bison until these cattle or bison are tested and found to be brucellosis negative.
 9. Within seven days after importation, the owner or owner's agent shall ensure that the individual metal eartag identification for imported dairy cattle is the same as that listed on the health certificate and shall report any discrepancies to the State Veterinarian. Any dairy cattle shipped into Arizona not documented on the health certificate shall be tested for brucellosis and tuberculosis by the receiver within one week of arrival.
- D. Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from Mexico.
1. Before entry into Arizona, beef breeding cattle, breeding bison, or dairy cattle from Mexico shall meet the requirements of 9 CFR 92.424 through 92.427, January 1, 1996, edition, as amended at 60 FR 13898, 13900, March 15,

1995. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the ~~Office of the Secretary of State~~ Department at 1688 W. Adams St., Phoenix, AZ 85007.

2. The owner or owner's agent shall ensure that beef breeding cattle, breeding bison, and dairy cattle from Mexico remain under import quarantine and isolation until tested negative for brucellosis not earlier than 60 days nor later than 120 days after entry into Arizona, and again 30 days after calving, unless consigned to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless permission is granted by the State Veterinarian to apply the "F" brand on arrival. Unless neutered, all beef breeding cattle, breeding bison, and dairy cattle leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that metal eartag identification records are kept on all incoming consignments and submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all cattle and bison leaving the designated feedlot. A copy of the form shall accompany the cattle or bison to slaughter and a copy shall be submitted to the State Veterinarian.
- E. Except for the following, all female dairy cattle four months of age or older, imported into Arizona, shall be official calf-hood vaccinates, properly identified, certified, and legibly tattooed:
 1. Show cattle for exhibition,
 2. Cattle from a Certified Brucellosis-Free Herd with permission of the State Veterinarian,
 3. Cattle from a brucellosis-free state or country with permission of the State Veterinarian,
 4. Cattle consigned directly to an official state or federal slaughter establishment for immediate slaughter, and
 5. Cattle consigned for feeding purposes to a designated feedlot under import permit.
- F. When imported breeding cattle, breeding bison, or dairy cattle under import quarantine and isolation are sold at a specifically approved stockyard, the owner or owner's agent shall, at the time of the sale, identify those cattle to the new owner as being under import quarantine. If market cattle identification testing for brucellosis is conducted at the auction, the owner or owner's agent shall ensure that the cattle or bison are tested before the sale. The new owner shall segregate the cattle or bison and retest for brucellosis 45 to 120 days after the animals entered the state.
- G. Tuberculosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
 1. No tuberculosis test is required for:
 - a. Beef breeding cattle, breeding bison, or dairy cattle from an accredited herd if the herd accreditation number is documented on the health certificate and import permit;
 - b. Native commercial and purebred beef breeding cattle from an Accredited-Free State if its accredited-free status is documented on the health certificate; and
 - c. Steers and spayed heifers.
 2. Unless from an accredited herd, prescribed in subsection (G)(1), the owner or owner's agent shall ensure that purebred beef breeding cattle from modified accredited states, breeding bison, dairy females, and bulls for breeding dairy cattle test negative for tuberculosis within 60 days before entry into Arizona.
- H. Tuberculosis testing requirements for cattle and bison imported into Arizona from Mexico.
 1. Before entry into Arizona, cattle and bison from Mexico shall meet the requirements of 9 CFR 92.424 through 92.427, incorporated by reference in subsection (D)(1).
 2. Steers and spayed heifers from states or regions in Mexico that have not been determined by the State Veterinarian to have fully implemented the Control, Eradication, or Free Phase of the bovine tuberculosis eradication program of Mexico shall not enter the state.
 3. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Control Phase of the bovine tuberculosis eradication program of Mexico shall not be imported into Arizona without prior permission of the State Veterinarian.
 4. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Eradication Phase of the bovine tuberculosis eradication program of Mexico may be imported into Arizona, if they have either:
 - a. Tested negative for tuberculosis in accordance with procedures equivalent to the Bovine Tuberculosis Eradication - Uniform Methods and Rules within 60 days before entry into the United States, or
 - b. Originated from a herd that is equivalent to an accredited herd in the United States and are moved directly from the herd of origin across the border as a single group and not commingled with other cattle or bison before arriving at the border.
 5. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have achieved the Free Phase of the bovine tuberculosis eradication program of Mexico may move directly into Arizona without testing or further restrictions if they are moved as a single group and not commingled with other cattle before arriving at the border.
 6. Beef breeding cattle and breeding bison from states or regions in Mexico determined by the State Veterinarian to have

Notices of Final Rulemaking

fully implemented the Eradication or Free Phase of the bovine tuberculosis eradication program of Mexico may be imported into Arizona if they remain under import quarantine and isolation until retested negative for tuberculosis in accordance with the Bovine Tuberculosis Eradication - Uniform Methods and Rules, not earlier than 60 days, nor later than 120 days after entry unless consigned to a designated feedlot for feeding purposes only. Unless neutered, all beef breeding cattle or breeding bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless permission is granted by the State Veterinarian to apply the "F" brand on arrival. All beef breeding cattle or breeding bison leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that metal eartag identification records are kept on all incoming consignments and submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all beef breeding cattle and breeding bison leaving the designated feedlot. A copy of the form shall accompany the cattle and bison to slaughter and a copy shall be submitted to the State Veterinarian.

I. Bovine scabies requirements.

1. The owner or owner's agent shall ensure that no cattle or bison affected with or exposed to scabies is shipped, trailed, driven, or otherwise transported or moved into Arizona except cattle or bison identified and moving under permit number and seal for immediate slaughter at an official state or federal slaughter establishment.
2. The owner or owner's agent of cattle or bison from an official state or federal scabies quarantined area shall comply with the requirements of 9 CFR 73, Scabies in Cattle, January 1, 1996, edition, as amended at 56 FR 52463, October 21, 1991, before moving the cattle or bison into Arizona. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
3. The State Veterinarian may require that breeding and feeding cattle and bison from known scabies infected areas and states be dipped or treated even if the animals are not known to be exposed. The State Veterinarian shall require that dairy cattle be dipped only if the animals are known to be exposed; otherwise a veterinarian's examination and certification shall be sufficient.

J. Trichomoniasis requirements for bulls imported into Arizona from other states.

1. The owner or owner's agent shall ensure bulls:

a. Test negative for *Trichomonas foetus* within 30 days prior to shipment using a polymerase chain reaction test or three cultures collected at intervals of no less than seven days apart, except for bulls:

i. Less than one year of age.

ii. Consigned directly to a state or federal licensed slaughter facility.

iii. Consigned directly to a dairy.

iv. Consigned directly to an exhibition or rodeo.

v. Consigned directly to a licensed feedlot for castration on arrival.

vi. Branded with an "F" adjacent to the tailhead and consigned directly to a designated feedlot for feeding and later movement directly to slaughter, and

b. Have no breeding activity during the interval between the collection of a sample and the date of shipment.

2. An accredited veterinarian approved to collect samples for *Trichomonas foetus* testing by the state animal health official in the state of origin shall collect the *Trichomonas foetus* test samples.

3. A laboratory approved to conduct tests for *Trichomonas foetus* by the state animal health official in the state of origin shall perform the test for *Trichomonas foetus*.

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

**CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION**

[R08-72]

PREAMBLE

1. Sections Affected
R3-2-801

Rulemaking Action
Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 3-107(A)(1) and 3-603

Implementing statutes: A.R.S. §§ 3-601.01, 3-603, 3-605, 3-606, 3-611, 3-625, and 3-663

Notices of Final Rulemaking

3. The effective date of the rules:

May 3, 2008

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 13 A.A.R. 4044, November 16, 2007

Notice of Proposed Rulemaking: 13 A.A.R. 3966, November 16, 2007

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Carlos Ramírez, Rules Analyst

Address: Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: cramirez@azda.gov

6. An explanation of the rule, including the agency's reasons for initiating the rules:

The Department of Agriculture is proposing to amend its definitions relating to dairy and dairy products control rules following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference to their most recent revisions, and otherwise bring the rule into compliance with current Administrative Procedures Act standards.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The proposed rulemaking will not create a significant economic impact to the Department, other political subdivisions, businesses, or to state revenues. The Department believes that the benefits of the proposed rulemaking outweigh any costs and that there are no alternative methods of achieving the objective of the proposed rulemaking.

10. A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):

The Department's original proposal was to update the incorporated reference to the 2003 Pasteurized Milk Ordinance to the forthcoming 2007 revision. However, this revision has been delayed. Instead, the Department will update the incorporated materials to the existing 2005 revision. The Department does not believe this will result in a substantive impact. The Department will also maintain the USDA web site address where the document can be retrieved in the definition for "PMO" in compliance with A.R.S. § 41-1028. The Department will also make nonsubstantive grammatical changes suggested by the Department's Assistant Attorney General and G.R.R.C. staff.

11. A summary of the comments made regarding the rule and the agency response to them:

The Department has not received any comments regarding the proposed rulemaking.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

Under the definition for "PMO," the rule incorporates the 2003 revision of the Grade "A" Pasteurized Milk Ordinance, made in 1978 by the US Public Health Service/Food and Drug Administration. This reference will be amended to refer instead to the more recent 2005 revision.

14. Was this rule previously made as an emergency rule?

No

15. The full text of the rule follows:

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

Section
R3-2-801. Definitions

ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

R3-2-801. Definitions

In addition to the definitions in A.R.S. §§ 3-601 and 3-661, the following terms apply to this Article:

“3-A Sanitary Standards” and “3-A Accepted Practices,” as published by the International Association for Food Protection, amended May 31, 2002, means the criteria for cleanability of dairy processing equipment. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007 and the USDA web site: <http://www.efsan.fda.gov/~ear/pmo03toc.html> is also available at <http://www.3-A.org>.

“C-I-P” means a procedure by which equipment, pipelines, and other facilities are cleaned-in-place as prescribed in the 3-A Accepted Practices.

“Converted” means the process by which a frozen dessert is changed from a frozen to semi-frozen form without any change in the ingredients.

“Fluid trade product” means any trade product as defined in A.R.S. § 3-661(5) that resembles or imitates milk, lowfat milk, chocolate milk, half and half, or cream.

“Food establishment” means any establishment, except a private residence, that prepares or serves food for human consumption, regardless of whether the food is consumed on the premises.

“Frozen desserts mix” or “mix” means any frozen dessert before being frozen.

“Grade A raw milk” means raw milk produced on a dairy farm that conforms to Section 7 of the PMO and the requirements of R3-2-805.

“Parlor” and “milk room” mean the facilities used for the production of Grade A raw milk for pasteurization.

“Plant” means any place, premise, or establishment, or any part, including specific areas in retail stores, stands, hotels, restaurants, and other establishments where frozen desserts are manufactured, processed, assembled, stored, frozen, or converted for distribution or sale, or both. A plant may consist of rooms or space where utensils or equipment is stored, washed, or sanitized and where ingredients used in manufacturing frozen desserts are stored. Plant includes:

“Handling plant” means a location that is not equipped or used to manufacture, process, pasteurize, or convert frozen desserts, but where frozen desserts are sold or offered for sale other than at retail.

“Manufacturing plant” means a location where frozen desserts are manufactured, processed, pasteurized, and converted.

“Plate line” means a horizontal structural member, such as a timber, that provides the bearing and anchorage for the trusses of a roof or the rafters.

“PMO” means the Grade A Pasteurized Milk Ordinance - 1978 Recommendations of the United States Public Health Service/Food and Drug Administration, 2003 2005 Revision. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department and the USDA web site: <http://www.efsan.fda.gov/~ear/pmo03toc.html> at 1688 W. Adams St., Phoenix, AZ 85007 and the Department of Health and Human Services, Public Health Services, Food and Drug Administration, Dairy and Egg Branch (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.

“Retail food store” means any establishment offering packaged or bulk goods for human consumption for retail sale.

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

[R08-73]

PREAMBLE

- 1. Sections Affected**
R3-2-902

Rulemaking Action
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 3-107(A)(1) and 3-710(F)
Implementing statutes: A.R.S. §§ 3-705, 3-706, 3-707, 3-708, 3-710(F), 3-712, 3-715, 3-716, 3-725, 3-726, 3-737, and 3-739
- 3. The effective date of the rules:**
May 3, 2008
- 4. A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 13 A.A.R. 4044, November 16, 2007
Notice of Proposed Rulemaking: 13 A.A.R. 3968, November 16, 2007
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Carlos Ramírez, Rules Analyst
Address:	Department of Agriculture 1688 W. Adams St. Phoenix, AZ 85007
Telephone:	(602) 542-0962
Fax:	(602) 542-5420
E-mail:	cramirez@azda.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rulemaking:**
The Department of Agriculture is amending R3-2-902, dealing with standards, grades and weight classes for shell eggs, following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference, include the full title of the materials, provide more specific information about where the documents are available, and otherwise bring the rule into compliance with current Administrative Procedures Act standards.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**
The rulemaking will not create a significant economic impact to the Department, other political subdivisions, businesses, or to state revenues. The Department holds that the benefits of the rulemaking outweigh any costs and that there are no alternative methods of achieving the objective of the rulemaking.
- 10. A description of the changes between the proposed rule, including supplemental notices and final rule (if applicable):**
Minor grammatical or clarifying changes were made at the request of G.R.R.C. staff.
- 11. A summary of the comments made regarding the rule and the agency response to them:**
The Department has not received any comments regarding the rulemaking nor requests for oral proceedings.

Notices of Final Rulemaking

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rule:

The rule incorporates by reference AMS 56.200 et seq., or all rules listed following. The Department is adding the full title of the incorporated material, United States Standards, Grades and Weight Classes for Shell Eggs (AMS 56), a document published by the Agricultural Marketing Service, United States Department of Agriculture (USDA). The Department is also providing more specific information regarding the locations where the document is available from the Department and the USDA.

14. Was this rule previously made as an emergency rule:

No

15. The full text of the rule follows:

TITLE 3. AGRICULTURE

**CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION**

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL

Section
R3-2-902. Standards, Grades, and Weight Classes for Shell Eggs

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL

R3-2-902. Standards, Grades, and Weight Classes for Shell Eggs

All standards, grades, and weight classes for shell eggs shall be as prescribed in ~~AMS 56.200 et seq., effective 56, United States Standards, Grades, and Weight Classes for Shell Eggs, revised as of July 20, 2000.~~ This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department at 1688 W. Adams St., Phoenix, AZ 85007 and the ~~Office of the Secretary of State~~ United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, STOP 0259, Room 3944-South, 1400 Independence Ave., S.W., Washington, DC 20250-0259, or online at www.ams.usda.gov/poultry/standards/index.htm. "AMS" means Agricultural Marketing Service, United States Department of Agriculture.